

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT

_____)	
UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	Case No.
)	
v.)	
)	
KAMAN AEROSPACE CORPORATION,)	
)	
Defendant.)	
_____)	

COMPLAINT

The United States of America, by the authority of the Attorney General of the United States and through the undersigned attorneys, acting at the request of the Secretary of the United States Navy ("Navy"), files this complaint and alleges as follows:

STATEMENT OF THE CASE

1. This is a civil action brought by the United States pursuant to Section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. §§ 9607, against Kaman Aerospace Corporation ("Kaman") for recovery of response costs incurred by the United States in connection with actual and threatened releases of hazardous substances at and from the Naval Weapons Industrial Reserve Plant - Bloomfield, a military industrial facility located near Bloomfield, Connecticut that is owned by the United States and operated by Kaman ("Bloomfield NWIRP" or "Facility"). The United States also seeks a declaratory judgment, pursuant to Section 113(g)(2) of CERCLA, 42 U.S.C. § 9613(g)(2), that Kaman is liable for future response costs, which is binding in any subsequent action or actions to recover further response costs.

JURISDICTION AND VENUE

2. This Court has jurisdiction over this action and the Defendant pursuant to Sections 107(a) and 113(b) of CERCLA, 42 U.S.C. §§ 9607(a) and 9613(b), and 28 U.S.C. §§ 1331 and 1345.

3. Venue is proper in this judicial district pursuant to Section 113(b) of CERCLA, 42 U.S.C. § 9613(b), and 28 U.S.C. § 1391 because the actual and threatened releases of hazardous substances giving rise to the claims in this action occurred in this district.

DEFENDANT

4. Defendant Kaman is a "person" within the meaning of Section 101(21) of CERCLA, 42 U.S.C. § 9601(21). Since 1953, Kaman has occupied and operated the Facility pursuant to contracts between it and the Navy.

THE FACILITY

5. The Bloomfield NWIRP Facility is located on approximately 85 acres of land approximately three miles north from the center of Bloomfield, Connecticut. Kaman owns adjacent land to the southwest, which it uses in conjunction with the Facility. The Facility has been used since 1953 for the production and development of commercial and military helicopters and helicopter components. Operations at the Facility involved, among other things, cleaning, anodizing, painting, plating, and other metal treatments that generated hazardous substances, as defined by Section 101(14) of CERCLA, 42 U.S.C. § 9601(14), including trichloroethane ("TCA"), trichloroethylene ("TCE"), and chromium compounds. Kaman performed operations at the Facility for both the Navy and non-government clients.

6. As a result of Kaman's operations, the soil and groundwater at the Facility is contaminated with hazardous substances, within the meaning of Section 101(14) of CERCLA, 42 U.S.C. § 9601(14), including TCA, dichlorethane ("DCE"), benzene, dioxin, and total petroleum hydrocarbons, methylene chloride, antimony, barium, beryllium, cadmium, chromium, lead, manganese, nickel, and thallium.

7. The United States has undertaken various response actions, within the meaning of Section 101(25) of CERCLA, 42 U.S.C. § 9601(25), in connection with the Facility, including a Preliminary Assessment, an Environmental Baseline Survey, a Facility-wide Remedial Investigation and Feasibility Study, and the excavation and removal of portions of the contaminated soil at the Facility.

8. To date, the United States has incurred approximately \$3 million in unreimbursed response costs related to the Facility.

GENERAL ALLEGATIONS

9. The Bloomfield NWIRP is a facility, within the meaning of Section 101(9) of CERCLA, 42 U.S.C. § 9601(9).

10. Hazardous substances, within the meaning of 101(14) of CERCLA, 42 U.S.C. § 9601(14), were disposed of at the Facility.

11. As a result of Kaman's operations at the Facility, there were and are actual and threatened releases, within the meaning of Section 101(22) of CERCLA, 42 U.S.C. § 9601(22), of hazardous substances into the environment at or from the Facility.

12. The United States has incurred response costs, within the meaning of Sections 101(25) and 107(a) of CERCLA, 42 U.S.C. §§ 9601(25) and 9607(a), for actions taken to

address the actual and threatened releases of hazardous substances at or from the Facility.

13. The response costs incurred by the United States are not inconsistent with the National Contingency Plan ("NCP"), 40 C.F.R. Part 300.

CLAIM FOR RELIEF

14. Paragraphs 1 through 13 are realleged and incorporated herein by reference.

15. Section 107(a) of CERCLA, 42 U.S.C. § 9607(a), provides, in pertinent part:

- (1) the . . . operator of a . . . facility, [or]
- (2) any person who at the time of disposal of any hazardous substance owned or operated any facility at which such hazardous substances were disposed of, . . . shall be liable for —
 - (A) all costs of removal or remedial action incurred by the United States . . . not inconsistent with the national contingency plan; . . .

16. Kaman is liable under Section 107(a)(1) and (2) of CERCLA, 42 U.S.C. § 9607(a)(1) and (2), as the current operator of the Facility, and a person who at the time of the disposal of hazardous substances at the Facility was an operator of the Facility, within the meaning of Section 101(20) of CERCLA, 42 U.S.C. § 9601(20), for response costs incurred and to be incurred by the United States in connection with the Facility.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, the United States of America, respectfully prays that this Court:

1. Enter judgment in favor of the United States and against Kaman for response costs incurred by the United States in connection with the Facility, plus interest;

2. Enter a declaratory judgment that Kaman is liable for response costs that will be binding on any subsequent action or actions to recover further response costs; and
3. Grant such other and further relief as the Court deems just and proper.

Respectfully submitted,

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